

## REMARKS

Applicant requests favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action in view of the foregoing amendments and the following remarks.

Claims 25-33 remain pending, with all of the claims being independent. All of the claims have been amended. Support for the amendments can be found throughout the originally-filed disclosure, including, for example, at page 11, line 22 though page 12, line 18 of the specification. Accordingly, Applicant submits that the amendments do not include new matter.

Claims 25-33 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Mitani (U.S. Patent No. 5,737,503) in view of Iizumi et al. (U.S. Patent No. 6,891,638) and Konno et al. (U.S. Patent No. 6,529,289).

Applicant respectfully traverses the rejection. Nevertheless, in order to expedite prosecution, the claims have been amended to clarify certain features of the invention not disclosed or suggested by the cited references. To this end, Applicant submits that the claimed invention is patentably distinguishable from the cited references for at least the following reasons.

The claims have been amended to recite a first discrimination unit, a first discrimination step, or code for a first discrimination step that discriminates whether both of first and second conditions are met. More specifically, the first discrimination features discriminate if a first condition is where the compressed image data of a N-th page and compressed image data of a specific area of an (N+1)a page is smaller than a buffer size of a buffer memory provided in an image forming apparatus. Further, the first discrimination features discriminate if a second condition is met where the compressed image data of the (N+1)a page and compressed image data of a specific area of the N-th page is smaller than the buffer size. The claims still further

recite that a transmission unit, step, or code for a step, transmits data in a specific ways based, at least in part, on the results of the first discrimination unit, step, or code for a step.

The Office Action cites Mitani as disclosing features of the claimed invention. In particular, the Office Action asserts that Mitani discloses a first discrimination unit in the form of CPU 6 that alters the size of an intermediate data memory 5-1 using a program of the memory controller 7, as required, or stores intermediate data generated in an output print image memory. The Office Action further asserts that Mitani the mapped chart in Figure 9 of the reference indicates that the device discriminates whether data of an N-th page and data of an (N+1)th page can be stored in a memory.

Applicant submits, however, that Mitani cannot be understood to disclose or suggest the first discriminating features of the amended claims. That is, Mitani does not disclose or suggest discriminating if two different conditions are met, wherein each of the conditions require specific areas of the compressed image data of the N-th page and the (N+1) page to be smaller than the size of a buffer memory of an image forming apparatus. Accordingly, Mitani does not further disclose or suggest the transmission of data based on the meeting or not meeting of the first and second conditions, as also in the independent claims.

Applicant further submits that the secondary citations to Ikegawa and Konno fail to cure the deficiencies of Mitani. Ikegawa is cited in the Office Action as disclosing a printer that generates data in a band unit, and Konno is cited as disclosing a transmission unit that transmits specific data on pages. In Applicant's view, however, neither Ikegawa nor Konno discloses or suggests the first discriminating features, which, as described above, are also not disclosed or suggested by Mitani.

For at least the foregoing reasons, Applicant submits that the references cited in the Office Action fail to disclose or suggest the invention recited in the claims of the present application.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the Office Action, and a Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

---

Donald H. Heckenberg, Jr.  
Attorney for Applicant  
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 3839382\_1.DOC